

<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)</b>	Docket Number (Optional) <div style="font-size: 1.5em; margin-top: 10px;">70730.01</div>
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First Named Inventor: <u>Wolf</u> Application Number: <u>10/823,941</u> Filed: <u>April 14, 2004</u> Title: <u>Self-Condensing pH Sensor</u>	Art Unit: <u>1753</u> Examiner: <u>Kaj K. Olsen</u>
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Attention, Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.**

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications, and
- (4) Adequate showing of the cause of unavoidable delay

1. Petition fee

☒ Small entity – fee \$ 250 (37 CFR 1.17(l)). Applicant claims small entity status.  
See 37 CFR 1.27.

☐ Other than small entity – fee \$ \_\_\_\_\_ (37 CFR 1.17(l)).

2. Reply and/or fee

A The reply and/or fee to the above-noted Office action in the form of  
Petition with Explanation (Identify the type of reply):

☐ has been filed previously on \_\_\_\_\_.

☒ is enclosed herewith

B The issue fee of \$ 700

☒ has been filed previously on 10/26/2006.

☐ is enclosed herewith

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 and select option 2

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63)

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Michael Klicpera  
Signature

12/03/2006  
Date

Michael Klicpera  
Typed or printed name

38044  
Registration Number, if applicable

P.O. Box 573  
Address

(619) 980-8680  
Telephone Number

La Jolla, CA 92038  
Address

- Enclosure ☐ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unavoidable delay
- ☐ \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is being

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300

12/03/2006  
Date

Michael Klicpera  
Signature

Michael Klicpera  
Typed or printed name of person signing certificate

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

Michael Klicpera

Signature

12/03/2006

Date

Michael Klicpera

Typed or printed name

38044

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

See Attached Petition  
dated 12/03/2006.

(Please attach additional sheets if additional space is needed.)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Wolf et al.

Serial No. 10/823,941

Filed: April 14, 2004

For: Self-Condensing pH  
Sensor

Examiner: Kaj K. Olsen

Group Art Unit: 1753

Attorney Docket: 70730.01

VIA SECURE USPTO WEBSITE

Honorable Commissioner of Patents and Trademarks  
Mail Stop Non-Fee Amendment  
P.O. Box 1450  
Alexandria, VA 22313-1450

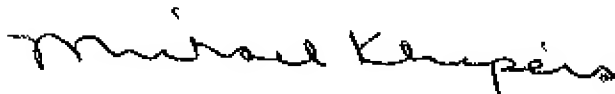
Sir:

Transmitted herewith is a request for entry in the  
above identified patent application.

√ Petition and Explanation

DATED this 3rd day of December, 2006.

Respectfully submitted,



Michael E. Klicpera  
Attorney for Applicants  
Registration No. 38,044

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Wolf et al.

Serial No. 10/823,941

Filed: April 14, 2004

For: Self-Condensing pH  
Sensor

Examiner: Kaj K. Olsen

Group Art Unit: 1753

Attorney Docket: 70730.01

PETITION

A timely executed USPTO Fee Transmittal was submitted and recorded by the USPTO for issuance of patent application 10/823,941 on July 7, 2006. (See Exhibit A of Petition dated October 25, 2006).

Attorney for the Application had a large number of transactions under his Deposit Account during the month of July (see Exhibit C of the Petition dated October 25, 2006). On July 10, 2006 a publication fee of \$300.00 for patent application 10/823,941 was charged to the Attorney's Deposit Account. A review of this account on this day shows that the issue could have been charged instead of the publication fee and the publication fee charge later (even the very next day). Also, it is unknown by this Attorney or others what day charges will be made to our Deposit Accounts and in our experience, there is no standard policy regarding this issue. On July 11, the Attorney's

Deposit Account was replenished with \$999.00. A total of \$9499 was replenished during this month in this sole practitioner's Deposit account which maintained an ending balance of \$2013.98, which was sufficient for issue fee of \$700.00.

On October 25, 2005, the present Attorney filed a petition to Withdraw Holding of Abandonment with the USPTO (attached in Exhibit A).

On October 26, 2006, an issue fee and a second publication fee were charged to the present Attorney's Deposit Account (attached in Exhibit B).

On November 13, 2006, the petition filed on October 25, 2006 was dismissed (attached).

Applicant requests withdraw of abandonment under CFR Section 1.137(a). To date, the present Attorney has paid through his Deposit Account two publication fees one issue fee and now a petition fee yet the allowed patent application 10/823,941 remains abandoned.

Attorney for Applicant requests that the abandonment of allowed patent application be withdrawn and the charge of the duplicate publication fee (\$300) be refunded to the Attorney's Deposit Account.

DATED this 3<sup>rd</sup> day of December, 2006.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Michael Klicpera".

Michael E. Klicpera  
Attorney for Applicants  
Registration No. 38,044

ATTACHMENT A

Petition to Withdraw Holding of Abandonment with the USPTO



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Examiner: Kaj K. Olsen
Wolf et al.	Group Art Unit: 1753
Serial No. 10/823,941	Attorney Docket: 70730.01
Filed: April 14, 2004	
For: Self-Condensing pH Sensor	

VIA FACSIMILE (571) 273-8300

Honorable Commissioner of Patents and Trademarks  
Mail Stop Non-Fee Amendment  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a request for entry in the  
above identified patent application.

✓ Petition to Withdraw Holding of Abandonment

DATED this 25th day of October, 2006.

Respectfully submitted,



Michael E. Klicpera  
Attorney for Applicants  
Registration No. 38,044

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Wolf et al.

Serial No. 10/823,941

Filed: April 14, 2004

For: Self-Condensing pH  
Sensor

Examiner: Kaj K. Olsen

Group Art Unit: 1753

Attorney Docket: 70730.01

PETITION

A timely executed USPTO Fee Transmittal was submitted and recorded by the USPTO for issuance of patent application 10/823,941 (See Exhibit A).

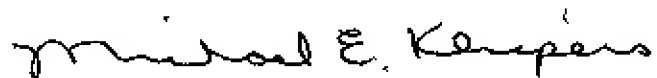
A Notice of Abandonment was mailed to the Application on October 4, 2006 for failure to timely pay the required issue fee and publication fee (Exhibit B).

Attorney for the Application had a large number of transactions under his Deposit Account (see Exhibit C) but maintained a ending balance of \$2013.98, which was sufficient for issue fee of \$700.00 (publication fee of \$300.00 was for patent application 10/823,941 was charged to the Attorney's Deposit Account).

Applicant requests withdraw of abandonment under CFR Section 1.181.

DATED this 25<sup>th</sup> day of October, 2006.

Respectfully submitted,

A handwritten signature in cursive script, reading "Michael E. Klicpera".

Michael E. Klicpera  
Attorney for Applicants  
Registration No. 38,044

**Exhibit A**  
**Fee Transmittal**

## PART B - FEE(S) TRANSMITTAL

Complete and send this form together with applicable fee(s), to: **Mail**

**Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**or Fax (571)-273-2885**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All future correspondence, including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected by a notice directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note Use Block 1 for any change of address)

21509 7580 06/23/2006

**MICHAEL E. KLICPERA**  
**PO BOX 373**  
**LA JOLLA, CA 92038-0573**

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,941	04/14/2004	Erich H. Wolf	70830.01	3284

TITLE OF INVENTION: SELF-CONDENSING PH SENSOR

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$1000	09/25/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
OLSEN, KAJ K	1753	204-433000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, the name of the inventor, the name of the assignee, the name of the attorney or agent, or the name of the single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE (CITY and STATE OR COUNTRY)

Sierra Medical Technology

Poway, CA USA

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee  
☒ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.  
☐ Payment by credit card. Form PTO-203B is attached.  
☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 503214 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☒ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Michael Klicpera

Date

07/07/06

Typed or printed name

Michael Klicpera

Registration No.

38044

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO in process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

BEST AVAILABLE COPY

Exhibit B  
Notice of Abandonment



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,941	04/14/2004	Erich H. Wolf	70830.01	5284
22509	7590	10/04/2006	EXAMINER	
MICHAEL E. KLICPERA PO BOX 573 LA JOLLA, CA 92038-0573			OLSEN, KAJ K.	
			ART UNIT	PAPER NUMBER
			1753	

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Abandonment**

Application No.

10/823,941

Examiner

OLSEN, KAJ K

Applicant(s)

Erich H. Wolf

Art Unit

1753

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☒ The submitted fee of \$300 is insufficient. A balance of \$700 is due.  
The issue fee required by 37 CFR 1.18 is \$700. The publication fee, if required by 37 CFR 1.18(d), is \$300.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

AG

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



## **Attachment to Notice of Abandonment**

**For questions concerning the notice contact**

**Office of Patent Publication**

**Image Assistance Center: 888-786-0101.**

Information is also available on the USPTO Internet web site:

<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

### **Respond to the Notice of Abandonment by one of the following:**

- 1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing; 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By facsimile: 571-273-8300

- 2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required**

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By facsimile: 571-273-8300

- 3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By facsimile: 571-273-8300

**Note:** Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment

**Exhibit C**  
**July 2006 Deposit Account**



**United States  
Patent and  
Trademark Office**



**Deposit Account Statement**

<b>Requested Statement Month:</b>	July 2006
<b>Deposit Account Number:</b>	502274
<b>Name:</b>	PATENT TECHNOLOGY, INC
<b>Attention:</b>	MICHAEL E KLICPERA
<b>Address:</b>	P O BOX 573
<b>City:</b>	LAJOLLA
<b>State:</b>	CA
<b>Zip:</b>	92038-0573
<b>Country:</b>	UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
→ 07/10	78	10823941	70830.01	1504	\$300.00	\$437.98
07/11	30	E-REPLENISHMENT		9203	-\$999.00	\$1,436.98
07/11	194	10994904	70837.CIP	2253	\$510.00	\$926.98
07/12	34	10950606	70802.DIV2	2252	\$225.00	\$701.98
07/17	62	E-REPLENISHMENT		9203	-\$4,000.00	\$4,701.98
07/18	1	10950606	70802.DIV2	2253	\$285.00	\$4,416.98
07/21	314	PCT/US06/27307	70858.PCT	1601	\$300.00	\$4,116.98
07/21	315	PCT/US06/27307	70858.PCT	1603	\$300.00	\$3,816.98
07/21	316	PCT/US06/27307	70858.PCT	1702	\$1,086.00	\$2,730.98
07/21	317	PCT/US06/27307	70858.PCT	1703	\$384.00	\$2,346.98
07/21	318	PCT/US06/27307	70858.PCT	8007	\$20.00	\$2,326.98
07/26	13	PCT/US06/27608	70856.PCT	1601	\$300.00	\$2,026.98
07/26	15	PCT/US06/27608	70856.PCT	1702	\$1,086.00	\$940.98
07/26	17	PCT/US06/27608	70856.PCT	1703	\$600.00	\$340.98
07/26	16	PCT/US06/27608	70856.PCT	8007	\$20.00	\$320.98
07/26	14	PCT/US06/27608	70856.PCT	1603	\$300.00	\$20.98
07/26	41	E-REPLENISHMENT		9203	-\$2,000.00	\$2,020.98
07/26	42	E-REPLENISHMENT		9203	-\$500.00	\$2,520.98
07/27	3	10994904	70837.CIP	2254	\$285.00	\$2,235.98
07/28	9	PCT/US06/28293	70865.PCT	1601	\$300.00	\$1,935.98
07/28	10	PCT/US06/28293	70865.PCT	1603	\$300.00	\$1,635.98
07/28	11	PCT/US06/28293	70865.PCT	1702	\$1,086.00	\$549.98
07/28	12	PCT/US06/28293	70865.PCT	1703	\$492.00	\$57.98
07/28	13	PCT/US06/28293	70865.PCT	8007	\$20.00	\$37.98
07/31	26	E-REPLENISHMENT		9203	-\$2,000.00	\$2,037.98
07/31	22	PCT/US06/27608	70856.PCT	1703	\$24.00	\$2,013.98

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$737.98	\$8,223.00	\$9,499.00	\$2,013.98

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TRANSMISSION VERIFICATION REPORT

TIME : 10/25/2006 06:57  
NAME :  
FAX :  
TEL :  
SER.# : 000G3J152311

DATE, TIME	10/25 06:54
FAX NO./NAME	USPTO
DURATION	00:03:27
PAGE(S)	12
RESULT	OK
MODE	FINE
	ECM

ATTACHMENT B

Deposit Account Statement for October 2006



**United States  
Patent and  
Trademark Office**



**Deposit Account Statement**

<b>Requested Statement Month:</b>	October 2006
<b>Deposit Account Number:</b>	502274
<b>Name:</b>	PATENT TECHNOLOGY, INC
<b>Attention:</b>	MICHAEL E KLICPERA
<b>Address:</b>	P O BOX 573
<b>City:</b>	LAJOLLA
<b>State:</b>	CA
<b>Zip:</b>	92038-0573
<b>Country:</b>	UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
10/02	115	E-REPLENISHMENT		9203	-\$2,000.00	\$2,695.98
10/03	1	10725920	70827.01	2501	\$700.00	\$1,995.98
10/03	2	10725920	70827.01	1504	\$300.00	\$1,695.98
10/05	1	10135709	70808.01	2202	\$189.00	\$1,506.98
10/11	29	E-REPLENISHMENT		9203	-\$3,000.00	\$4,506.98
10/12	149	11545182	70839.01	2011	\$150.00	\$4,356.98
10/12	150	11545182	70839.01	2111	\$250.00	\$4,106.98
10/12	152	11545182	70839.01	2201	\$200.00	\$3,906.98
10/12	153	11545182	70839.01	2202	\$1,175.00	\$2,731.98
10/12	151	11545182	70839.01	2311	\$100.00	\$2,631.98
10/12	165	11545281	70831.01	2011	\$150.00	\$2,481.98
10/12	166	11545281	70831.01	2111	\$250.00	\$2,231.98
10/12	167	11545281	70831.01	2311	\$100.00	\$2,131.98
10/12	168	11545281	70831.01	2201	\$700.00	\$1,431.98
10/12	169	11545281	70831.01	2202	\$450.00	\$981.98
10/19	2	10396951	70816.01	2201	\$400.00	\$581.98
10/19	3	10396951	70816.01	2202	\$500.00	\$81.98
10/25	47	E-REPLENISHMENT		9203	-\$3,000.00	\$3,081.98
10/26	50	10435903	70818.01	2453	\$750.00	\$2,331.98
→ 10/26	84	10823941	70830.01	2501	\$700.00	\$1,631.98
→ 10/26	85	10823941	70830.01	1504	\$300.00	\$1,331.98
		START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE	
		\$895.98	\$7,364.00	\$8,000.00	\$1,331.98	

ATTACHMENT C

Decision on Petition dated November 13, 2006





UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE

MICHAEL E. KLICPERA  
PO BOX 573  
LA JOLLA CA 92038-0573

COPY MAILED

NOV 13 2006

Director's Office  
Office of Patent Publication

In re Application of  
WOLF, ERICH H. et al.  
Application No. 10/823,941  
Filed: April 14, 2004  
Attorney Docket No. 70830 01

:  
:  
:  
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:

DECISION ON PETITION

This is a decision on the Petition, received in the United States Patent & Trademark Office (USPTO) on October 25, 2006, which is being treated as a Petition To Withdraw Holding of Abandonment under 37CFR 1.181.

The petition is **DISMISSED**. Any request for reconsideration of this decision, or as explained below, filing a petition seeking revival under 37 CFR § 1.137, must be filed within TWO (2) MONTHS from the mail date of this decision.

The above-identified application was held abandoned for applicant's failure to timely pay the issue fee, as required in the Notice of Allowance and Fee(s) due mailed June 23, 2006. The Notice of Abandonment, mailed on October 4, 2006 indicates, "The submitted fee of \$300 is insufficient. A balance of \$700 is due."

The Office acknowledges receipt of Part B – Fee(s) Transmittal on July 7, 2006, authorizing that the Issue Fee and the Publication Fee be charged to Deposit Account No 50-2274. On July 7, 2006, when an attempt was made by the Office of Finance to charge the fees, there were insufficient funds in the Deposit Account.

37 CFR 1.25 (a) and (b), which states in part:

1.25(a) ...An amount sufficient to cover all fee, services, copies, etc., requested must always be on deposit. Charges to accounts with insufficient funds will not be accepted."

1.25 (b) ...An authorization to charge a fee to a deposit account will not be considered payment of the fee on the date the authorization to charge the fee is effective as to the particular fee to be charged unless sufficient funds are present in the account to cover the fee.

In light of the non-compliance with 37 CFR 1.25, the holding of abandonment cannot be withdrawn.

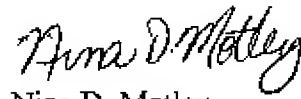
Applicant may seek relief by filing a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). (Forms are available at USPTO website <http://www.uspto.gov>)

- Under 37 CFR 1.137(a), a petition for the revival of an *unavoidable* abandoned application
- Under 37 CFR 1.137(b), a petition for the revival of an *unintentionally* abandoned application

Further inquiries with respect to filing a petition under 37 CFR § 1.137 may be directed to the Office of Petitions at 571-272-3282 or addressed as follows:

*By mail:*                      Mail Stop Petitions  
   Commissioner for Patents  
   Office of Petitions  
   P O Box 1450  
   Alexandria, VA 22313-1450

Telephone inquiries concerning this decision matter may be directed to the undersigned at 703 308-9250 Ext. 163.

  
Nina D. Motley  
Quality Operations Assistant  
Office of the Director  
Office of Patent Publications

**ATTACHMENT D**  
**Fee Transmittal**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/03/2004  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4418)

# **FEE TRANSMITTAL** **For FY 2006**

☒ Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$) 250

## **Complete if Known**

Application Number 10/823,941  
Filing Date 04/14/2004  
First Named Inventor Wolf  
Examiner Name Olsen, Kaj  
Art Unit 1753  
Attorney Docket No 70830.01

## **METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):

☒ Deposit Account Deposit Account Number 502274 Deposit Account Name: Patent Technology Inc.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.18 and 1.17 ☐ Credit any overpayments

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## **FEE CALCULATION**

### **1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

### **2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
- 20 or HP =	x	=
HP = highest number of total claims paid for, if greater than 20		
<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
- 3 or HP =	x	=
HP = highest number of independent claims paid for, if greater than 3.		
		<b>Multiple Dependent Claims</b>
		<b>Fee (\$)</b>
		<b>Fee Paid (\$)</b>

### **3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

**Total Sheets** - 100 = **Extra Sheets** / 50 = **Number of each additional 50 or fraction thereof** x **Fee (\$)** = **Fee Paid (\$)**

### **4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition Fee of an Unavoidably Abandoned Patent Application 250

## **SUBMITTED BY**

Signature Michael Kilpera Registration No. 38044 Telephone (619) 880-8880  
(Attorney/Agent)  
Name (Print/Type) Michael Kilpera Date 12/03/2006

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.